

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Joe G. Lopez, Senior Deputy Clerk.

F042675 Larsson Family Trust et al. v. Grabach et al.

Cause called and argued by David A. Linn, Esq., counsel for appellants and by Russell D. Cook, Esq., counsel for respondents.

Cause ordered submitted.

Court recessed until Tuesday, August 10, 2004 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Shandra Gallagher, Assistant Deputy Clerk.

F041899 People v. Johnwell

Cause called and argued by Kyle Gee, Esq., counsel for appellant and by Brian Alvarez, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

At this point Ardaiz, P.J. directs Harris, Acting P.J. to act as Presiding Justice in his absence, leaves the bench and is replaced by Levy, J.

F043433 People v. Ingram

Cause called and argued by Victor J. Morse, Esq., counsel for appellant and by Judy Kaida, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Wednesday, August 11, 2004 at 10:00 A.M.

IN THE

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IN AND FOR THE

Fifth Appellate District

F043351 People v. Castro

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F044704 People v. Wilson

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F044704 People v. Wilson

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044807 People v. Mills

Cause submitted.

F044807 People v. Mills

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044714 People v. Smith

The above-entitled case is submitted for decision.

F044714 People v. Smith

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044295 People v. Whitmore

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F044295 People v. Whitmore

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043941 People v. Rubio

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F044867 People v. Pearson

The above entitled cause is submitted for decision.

F044867 People v. Pearson

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043779 People v. Jordan

The judgment is reversed and the matter remanded to the superior court with directions to vacate its order denying the motion to suppress. If respondent seeks a new suppression hearing to present additional evidence to show that the warrantless stop and frisk of appellant was lawful, the question of whether to hold such a hearing shall be decided in the first instance by the superior court. Dawson, J.

We concur: Vartabedian, Acting P.J.; Cornell, J.

[CERTIFIED FOR PUBLICATION]

F043124 People v. Porras

Appellant's petition for rehearing filed herein is denied.

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F045574 Payton v. Rodriguez, M.D.

Appellant having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 8(a)(1), California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F045525 Liza A., et al. v. The Superior Court of Fresno County; Rhiannon H., et al.
F045698

Real party in interest, Rhiannon H.'s motion to consolidate the above-entitled cases is granted for purposes of OSC/Oral Argument.